# **REMARKS**

Applicant has carefully reviewed and considered the Final Office Action mailed on October 27, 2003, and the references cited therewith. Claims 29-38, 42-43 and 45 are amended and claims 39-41 and 44 are canceled such that claims 29-38, 42-43 and 45 are now pending in this application.

### Examiner Interview

Applicant's attorney would like to thank Examiner Brophy for her courtesy during the telephone interview held on November 4, 2003. Examiner Brophy discussed the amended claims with Applicant's attorney. Applicant's attorney and Examiner Brophy agreed that the amended claims are allowable.

# Claim Objections

Claims 29-45 are objected to due to informalities. As discussed during the interview, Applicant has amended the claims for purpose of clarity and to address the Examiner's objections.

## §102 Rejection of the Claims

Claims 29, 31-36, 38-43 and 45 were rejected under 35 USC § 102(a) and/or 35 USC § 102(e) as being anticipated by Bishop et al. (EP 1093162 A1). As discussed during the interview, the claims as amended herein are allowable.

### Reservation of Right to Swear Behind References

Applicant reserves the right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

Page 5 Dkt: 884.591US1 (INTEL) AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 - EXPENDITED PROCEDURE

Serial Number: 10/005667 Filing Date: November 2, 2001

Title: METHOD OF FABRICATING AN INTEGRATED CIRCUIT HAVING A MEMS DEVICE

Assignee: Intel Corporation

### Conclusion

Applicant respectfully submits that the pending claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Andrew Peret at (262) 646-7009, or the below signed attorney to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

QING MA

By his Representatives,

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Dkt: 884.591US1 (INTEL)

612-349-9592

Date Dec. 19, 2003

By Onn M. McCeach.
Ann M. McCrackin

Reg. No. 42,858

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